



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

July 22, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

CHIEF EXECUTIVE OFFICE RECOMMENDATIONS FOR FUNDING TO IMPLEMENT THE CITIZEN'S COMMISSION ON JAIL VIOLENCE RECOMMENDATIONS: 6.03 - CUSTODY TRAINING; 6.05 - SUPERVISORS; AND 7.08 - RISK MANAGERS

On October 2, 2012, the Board of Supervisor (Board) requested that the Chief Executive Office (CEO) provide a fiscal analysis of the Citizen's Commission on Jail Violence recommendations and report back on as needed basis once the recommendations have been reviewed and are ready for implementation.

BACKGROUND

On October 18, 2011, the Board authorized the creation of the Citizen's Commission on Jail Violence (CCJV) directing the Commission to "conduct a review of the nature, depth and cause of the problem of inappropriate deputy use of force in the jails and to recommend corrective action as necessary." On September 28, 2012, CCJV released its report and findings outlining 63 recommendations for implementation by the Sheriff's Department.

On October 2, 2012, the Board requested that County Counsel and CEO: (1) evaluate the feasibility of creating an Office of Inspector General to assist in safeguarding the integrity of the Sheriff's Department; (2) Determine the legal constraints or limitations imposed by State law or constitution in implementing any of the CCJV recommendations; and (3) provide a fiscal analysis of the CCJV 63 recommendations.

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On October 15, 2012, the Sheriff's Department submitted a memo to the Board requesting approximately \$68,987,000 in additional funding and 462 positions to implement recommendations contained in the CCJV report.

On October 18, 2012, the CEO requested additional information from the Department in order to assist our office in completing the fiscal analysis and preparing final recommendations for consideration by the Board. In addition, the CEO identified only 14 recommendations with a potential financial impact.

On December 14, 2012, the CEO issued a report providing a preliminary fiscal analysis of the CCJV recommendations. In addition, in consultation with the Monitor and subject matter experts, the CEO developed a three phase fiscal strategy for implementation and funding of those recommendations. As each proposal is approved by the Monitor and subject matter experts, it is then forwarded to the CEO for a fiscal review/analysis. CEO funding recommendations would then be submitted to the Board for consideration.

On March 5, 2013, as part of the CEO's Mid-Year Budget Adjustment, funding for the new Assistant Sheriff for the Custody Division and support positions, as well as a new Chief to oversee the Internal Affairs Bureau and Internal Criminal Investigative Bureau, was approved by the Board.

Beginning in April 2013, the CEO, in conjunction with County Counsel and the Monitor began drafting an initial scope of authority and responsibilities, budget, staffing levels, and organization chart for the OIG.

On June 17, 2013, the CEO received information from the Sheriff that its proposal for CCJV recommendation 7.15 was being revised from personal video recording devices (lapel cameras) to an expansion of the closed circuit television system. On July 9, 2013, the Sheriff submitted an implementation update memo to the Board with a request to increase CCJV implementation funding to \$88,470,000. Subsequently, the CEO was informed by the Chief Information Office that it was working with the Sheriff to reevaluate the information technology system enhancements cited in CCJV recommendation 3.08.

FISCAL ANALYSIS

The Chief Executive Office has been working with the Sheriff and Monitor on 14 recommendations that require additional staff and resources, see Attachment I. The CEO is recommending funding and personnel for the following three proposals:

1. CCJV Recommendation 6.03: Custody Training and Standards Bureau

(Full Implementation)

“Deputies and supervisors should receive significantly more Custody specific training overseen by the Department’s Leadership & Training Division.”

The Sheriff requested \$11,870,000 and 72 positions to create the Custody Training and Standards Bureau (CTSB). The CEO, Sheriff, and Monitor discussed how potential resources from the other CCJV recommendations could be leveraged to reduce staffing and costs.

Following our review and in consultation with the Monitor and Assistant Sheriff McDonald, the CEO recommends \$5,888,000 and 33 new positions. The CTSB will provide enhanced training and risk management oversight, as follows:

- The Custody Division’s annual training hours for deputies, custody assistants, and supervisors will increase from 75,000 (which is equivalent to meeting the minimum mandatory Standards and Training for Corrections) to 119,000 training hours. The additional training hours will ensure deputies and supervisors fully understand and are proficient in the policies, procedures, and techniques required for a safe and secure custody operation.
- The curriculum for deputies, custody assistants, and supervisors will be enhanced to include ongoing training on the use of force policy, techniques for handling mentally ill inmates, use of force investigations and documentation, communication tactics to mitigate potential deputy-inmate conflict, and defensive techniques to minimize injury to deputies and inmates.
- A new permanent Custody Force Response Team (CFRT) will be established to assist and monitor Category 2 (identifiable injury) use of force incidents. The CFRT will provide on-site quality assurance of investigations, reinforce supervisor’s knowledge and implementation of the use of force policy and documentation, and facilitate curriculum development by incorporating problems and lessons learned from use of force investigations.

- A new risk management lieutenant will be assigned to compile and analyze reports from the CFRT, facility Compliance Lieutenants, and inmate grievances to identify problematic trends, personnel, and other issues related to the use of force. The risk management lieutenant's findings will be reported directly to each facility's commander for corrective action, if any, and it will also be used to improve the training curriculum.

The Sheriff's proposal meets the objectives of CCJV recommendation 6.03 by establishing a robust and ongoing training program for deputies, custody assistants, and supervisors. The CTSB will also actively monitor the facilities to ensure Department standards are upheld which will in turn mitigate potential liabilities arising from the use of force.

2. CCJV Recommendation 6.05: Supervision of Deputies (Partial Implementation)

"The number of supervisors to deputies should be increased and the administrative burdens on Custody supervisors should be minimized."

The Sheriff originally requested \$21,431,000 and 2 lieutenants and 101 sergeants in order to improve the supervisor to staff ratio within the Custody Division. The Sheriff and Monitor are conducting a study of the supervisory needs of each jail facility.

The direct supervision by sergeants was identified by the CCJV as critical to ensuring deputies and custody assistants adhere to policies and procedures. Sergeants are also valuable assets for the practical training of staff by providing guidance and feedback in the real world setting. The CEO concurs with CCJV and Sheriff that additional supervisory staff is needed. Although the facility study is still in progress, the Sheriff and Monitor indicate there is a critical and immediate need to address this request. Men's Central Jail, Century Regional Detention Facility, and the Custody Investigations Services Unit (responsible for criminal and gang activity) have been identified as having the highest immediate need for additional sergeants. To address the immediate need, the Assistant Sheriff requested 34 additional sergeants. The CEO supports this request; however, to stay within the \$10 million set aside in the Provisional Finance Uses Budget to address CCJV recommendations, at this time, we are recommending funding for only 25 sergeants. We will consider the additional nine positions in the Supplemental phase of the budget along with other requests. The Sheriff is expected to request additional sergeant positions at the conclusion of the facility study.

3. CCJV Recommendation 7.08: Custody Facility Risk Managers (Full Implementation)

"Each jail should have a Risk Manager to track and monitor use of force investigations."

The Sheriff requested \$1,784,000 and 8.0 Compliance Lieutenants. Each lieutenant would function as the risk manager for a jail facility. The Sheriff has revised the proposal to \$1,352,000 and 6.0 Compliance Lieutenants taking into consideration the recent closure of Pitchess Detention Center (PDC) East and that a single lieutenant would be able to monitor PDC North and South.

The CEO concurs with the Sheriff's current proposal to add 6.0 Compliance Lieutenants who will have responsibility for all aspects of use of force investigations, including:

- Monitoring the quality of Category 1 (no visible injury) use of force investigations conducted by the watch commander and line sergeant;
- Conducting administrative use of force investigations if the Category 1 investigation identifies a potential policy violation;
- Monitoring Category 1 and 2 use of force investigation packages are progressing within set deadlines and Department standards;
- Tracking and monitoring investigations arising from inmate grievances, civil claims, and lawsuits to ensure the facility is in compliance with Department policy;
- Analyzing use of force incidents and inmate grievances to identify problematic trends, personnel, and other issues that will be reported to the facility commander and the Division's risk management lieutenant.

The Sheriff's proposal meets the objectives of CCJV recommendation 7.08 by assigning a Compliance Lieutenant who will monitor all use of force incidents within each facility and collaborate with the Division's risk management lieutenant to identify systemic issues which will mitigate potential liabilities arising from the use of force.

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CEO RECOMMENDATION

The CEO recommends allocating \$9,661,000 to provide nine months of funding for 64 positions and operational costs needed to comply with the aforementioned CCJV recommendations. Full-year funding of \$12,881,000 will be requested as part of the Department's Fiscal Year 2014-15 Recommended Budget.

To ensure funds are expended as directed by your Board, the CEO will work with the Auditor-Controller and the Department to develop the appropriate accounting and monitoring tools that will track the budget and costs of the CCJV recommendations. Once that mechanism has been identified and agreed to, the CEO will report back accordingly.

CONCLUSION

The Sheriff's proposal for CTSB, additional sergeants, and Compliance Lieutenants will improve the professional development of staff, enhance the effectiveness of custody operations, and establish an oversight structure that will ensure that thorough and timely use of force investigations are conducted.

Should you or your staff have any questions, please contact Georgia Mattera, Public Safety, at (213) 893-2374.

WTF:GAM:SW
DT:llm:cc

Attachment

c: Executive Office, Board of Supervisors
County Counsel
Sheriff

**IMPLEMENTATION STATUS
OF THE
CITIZEN'S COMMISSION ON JAIL VIOLENCE RECOMMENDATIONS**
(as of 7/22/13)

Rec No.	CCJV Recommendation (Short Title)	No. Staff	FY 2013-14 Funding Amount	Review Status				In Progress	Implemented	
				Sheriff	Monitor	CEO	Board of Supervisors			
1	4.04	Creation of Assistant Sheriff of Custody	3	\$739,000	X	X	X	Approved	X	X
2	7.05	Create Investigations Division (recruit Chief)	1	\$271,000	X	X	X	Approved	X	X
3	7.12	Use of Force Tracking System (use existing resources)		\$0	X	X	NA	NA	X	X
4	3.12	Body Scanners		\$0	X	X	X	Approved	X	
Funded Ongoing Costs			4	\$1,010,000						
5	6.03	Increase Custody Specific Training*	33	\$4,416,000	X	X	X	7/23/2013		
6	6.05	Supervision of Deputies*	25	\$4,231,000	X	X	X	7/23/2013		
7	7.08	Custody Facility Risk Managers*	6	\$1,014,000	X	X	X	7/23/2013		
FUNDING REQUESTED			64	\$9,661,000						
8	3.08	Information System Overhaul		TBD	X					
9	4.11	Facility Administration Staffing		TBD	X					
10	4.12	Create Internal Audit & Inspections Division		TBD	X	X	X			
11	6.07	Expand Use of Custody Assistants**		TBD	X	X			X	
12	7.01	Restructure Investigation/Disciplinary System		TBD	X	X	X			
13	7.15	Lapel Cameras		TBD	X	X				
14	8.01	Establish Office of the Inspector General***		TBD	X	X	X	TBD		
TOTAL CCJV COST			68	\$10,671,000						

* Funding reflects implementation by October 2013 corresponding to 9 months of costs during FY 2013-14.

** The Sheriff has frozen 75 deputy positions to create 75 custody assistant positions. The Sheriff continues to evaluate staffing needs.

*** The Sheriff is not involved in the development of the OIG. CEO recommendation is under separate cover.